

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Ricky D. Sanders, #7372,	)	
	)	C/A No.: 0:06-2299-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	
Magistrate Court (Sumter) c/o Magistrate	)	
Tindal; Sumter City Police Dept., c/o	)	<b>ORDER</b>
Chief Patty Patterson; Judge Gray,	)	
Sumter Family Court; Sumter Family	)	
Court, c/o Mr. Smith,	)	
	)	
Defendants.	)	
	)	

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Plaintiff Ricky D. Sanders is a detainee at the Sumter-Lee Regional Detention Center in Sumter, South Carolina. Plaintiff, appearing pro se, brings this action under 42 U.S.C. § 1983, seeking money damages for alleged wrongful state court convictions in 1996 and 2001.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A and the Prison Litigation Reform Act of 1996. On September 20, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the case be summarily dismissed because, under Heck v. Humphrey, 512 U.S. 477 (1994), a right of action has not yet accrued. The Magistrate Judge also noted that Defendant Judge Gray is entitled to judicial immunity. Accordingly, the Magistrate Judge recommended that the action be dismissed without prejudice and without issuance and service of process. Plaintiff did not file objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. The case is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

October 17, 2006

Columbia, South Carolina

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**